SANITARY AND IMPROVEMENT DISTRICT NO. 101
OF SARPY COUNTY, NEBRASKA

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DEBRA J. HOUGHTALING
SARPY COUNTY CLERK

Minutes of the Meeting of the Board of Trustees
October 23, 2013

A meeting of the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska was convened in open public session at 7:00 p.m. on the 23rd day of October, 2013, at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

Present at the meeting were: Doug Hill, Chip Frazier, Bill Nosek, Lou Riedmann and Don Story, Trustees of the District; Andrew W. Simpson, one of the District's attorneys; Jim Olmsted of Olmsted & Perry Consulting Engineers; Rene Nelson and Joy Nelson of Urban Utilities; and no residents.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader* on October 16, 2013, a copy of the Proof of Publication being attached to these Minutes. Advance notice was also given to the Board of Trustees and a copy of their acknowledgment of the receipt of such notice is attached to these minutes. Notice was also given to the County Clerk of Sarpy County, Nebraska per the attached certificate of the Clerk of the District. Availability of the agenda was communicated in the advance notices and in the notices to the Board of Trustees and the County Clerk.

The Clerk then certified that notices of this meeting had been given to the County Clerk of Sarpy County, Nebraska, at least seven days prior to the time set by the Board of Trustees for this meeting, said Certificate being attached to these minutes and made a part hereof by this reference.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The Chairman then stated that one copy of the reproducible written material to be discussed at this meeting was available for examination or copying and that a current copy of the Open Meetings Act was posted in the meeting room.

Trustee Chip Frazier made a motion to approve the minutes of the last meeting and Trustee Don Story seconded the motion. Upon motion made and duly seconded and vote taken in open session convened, the motion carried.

The District's Clerk then presented the Treasurer's Report as of September 30, 2013. The balance in the District's General Fund was approximately $140,585.96; the balance in the District's General Fund Investment account was approximately $0.00; the cash balance in the District's Bond Fund account was approximately $672,493.71; the balance in the District's Bond Fund Investment account was approximately $0.00; and the Service Fee Fund balance was approximately $87,546.03.

The Chairman stated that the next item of business was payment of existing bills.

The Chairman then presented the following statements for consideration:

Construction Fund:

Warrant No. 2769(C) – Nebraska Dept. of Environmental Quality Clean Water SRF Semi-Annual Interest & Principal Payment Invoice No. 18440	$70,825.99
Warrant No. 2776(C) – Farnham & Simpson, P.C., L.L.O. Special Assessment Litigation-Collection Statement dated October 23, 2013	$867.50

General Fund:

Warrant No. 2770 – Omaha Public Power District Statement dated October 4, 2013	$614.99
Warrant No. 2771 – Quinn Insurance, Inc. Chairman & Clerk Bond Fees Invoice No. 441675	$120.00
Warrant No. 2772 – Olmsted & Perry Consulting Engineers Inc. Engineering Services, 9/15/13 to 10/15/13 Invoice No. 04-13025	$1,470.42
Warrant No. 2773 – Josh Tedder Construction Inc. Fill Holes on Lakewood Road Invoice No. 1120	$310.00
Warrant No. 2774 – HFA Surveying Topographic Survey for Roadway Invoice No. 13-026	$1,440.00
Warrant No. 2775 – Farnham & Simpson, P.C., L.L.O. Legal Services, 9/26/13 to 10/23/13 Statement dated October 23, 2013	$1,768.63

Service Fee Fund:

Warrant No. 294 – Midwest Laboratories, Inc. Invoice No. 69950	$104.71
Warrant No. 295 – Urban Utilities, Inc. Subcontractor Fee for October 2013 Invoice No. 7016	$4,284.69
Warrant No. 296 – Urban Utilities, Inc. Sewer Force Main Repair Invoice No. 7017	$2,010.23
Warrant No. 297 – Urban Utilities, Inc. Kerns Excavating Company Payment Invoice No. 12176	$1,431.50

Mr. Simpson then advised the Board that the warrant to the Nebraska Department of Environmental Quality was $25,000.00 more than the statement in the amount of $45,825.99.

Mr. Simpson talked with Mr. Farnham about this and Mr. Farnham indicated that under the original terms of the SRF loan agreement the District was to pay an additional amount equal to the specials paid during the past year. The extra payment was not made in 2012 and so the $25,000.00 represents Mr. Farnham's best estimate of the specials that were paid in 2012 and 2013. This statement is for the December 15, 2013 payment.

Joy Nelson advised the Board that Service Fee Fund Warrant No. 297 in the amount of $1,431.50 was included in Warrant No. 296 payable to Urban Utilities. The Trustees determined that Warrant No. 297 would not be issued.

Trustee Bill Nosek made a motion to pay all the bills and Trustee Lou Riedmann seconded the Motion. Upon motion made and duly seconded and vote taken in open session convened, and vote being in favor, none opposed. The following resolution was adopted:

> BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 2769(C) and 2776(C) of the District, drawn on the Construction Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than October 23, 2018, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law; Warrant Nos. 2770 through 2775 of the District, drawn on the General Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than October 23, 2016, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law; and Warrant Nos. 294 through 296 of the District, drawn on the Service Fee Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than October 23, 2016, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law, to-wit:
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> A. *Warrant No. 2769(C)* payable to Nebraska Department of Environmental Quality in the amount of $70,825.99
>
> B. *Warrant No. 2776(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $867.50
>
> C. *Warrant No. 2770* payable to Omaha Public Power District in the amount of $614.99
>
> D. *Warrant No. 2771* payable to Quinn Insurance, Inc. in the amount of $120.00
>
> E. *Warrant No. 2772* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $1,470.42
>
> F. *Warrant No. 2773* payable to Josh Tedder Construction Inc. in the amount of $310.00
>
> G. *Warrant No. 2774* payable to HFA Surveying in the amount of $1,440.00

H. *Warrant No. 2775* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $1,768.63

I. *Warrant No. 294* payable to Midwest Laboratories, Inc. in the amount of $104.71

J. *Warrant No. 295* payable to Urban Utilities, Inc. in the amount of $4,284.69

K. *Warrant No. 296* payable to Urban Utilities, Inc. in the amount of $2,010.23

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, that both they and the District hereby find and determine and covenant, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants are for essential governmental functions and are designed to serve members of the general public on an equal basis; all said improvements have from the time of their first acquisition and construction been owned, are owned and are to be owned by the District or another political subdivision; to the extent special assessments have been or are to be levied for any of said improvements, such special assessments have been or are to be levied under Nebraska law as a matter of general application to all property specially benefitted by said improvements in the District; the development of the land in the District is for residential or commercial use and the development of the land in the District for sale and occupation by the general public has proceeded and is proceeding with reasonable speed; other than any incidental use of said improvements by a developer during the initial period of development of said improvements, there have been, are and will be no persons with rights to use such improvements other than as members of the general public; none of the proceeds of said Bonds or any refinanced indebtedness have been or will be loaned to any private person or entity; the District hereby authorizes and directs the Chairperson or Clerk to file or cause to be filed, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986, as amended, pertaining to the above Warrants; and the District does not reasonably expect to sell or otherwise dispose of said improvements and/or facilities, in whole or in part, prior to the last maturity of the above Warrants.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal law to maintain the tax exempt status (as to taxpayers generally) of interest on the above warrants and (b) to the extent that it may lawfully do so, the District hereby designates the above Warrants as its "qualified tax exempt obligations" under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986 as amended and covenant and warrants that the District does not reasonably expect to issue warrants or bonds or other obligations aggregating in the principal amount of more than $5,000,000.00 during a calendar year in which the Warrants are issued.

1. No separate reserves or replacement fund has been or will be established with respect to the above Warrants. The District reasonably anticipates that the monies in its bond fund reasonably attributable to the above Warrants in excess of the lessor of: (a) 10% of the net principle proceeds of the above Warrants, or (b) the maximum annual debar service due on the above Warrants, or (c) 125% of the average annual debt service due on the above Warrants will be expended for payment and principle of and interest on the above amount arrived at pursuant to invested in any securities or any other of computed in accordance with the actuarial method, in excess of the yield on the above Warrants.
2. To the best of their knowledge, information and belief, the above expectations are reasonable.
3. The District has not been notified of any listing of it by the Internal Revenue Services as an issuer that may not certify its bonds.
4. This Certificate is being passed, executed and delivered pursuant to Section 1.102-13, 1.103-14 and 103-15 of the Income Tax Regulations under the Internal Revenue Code of 1954, as amended, and under the Internal Revenue Code of 1986.

There were no questions about the Urban Utilities sewer report.

Mr. Simpson then presented a listing of the Service Fee Fund delinquencies along with a certification for the District's Clerk to sign. The certification was reviewed, the Trustees unanimously authorized the District's Clerk to execute such certification, and the District's attorney to file it with the appropriate Sarpy County officials.

Mr. Olmsted then generally discussed the status of the 2013 Drainage and Guardrail Improvements Project. Mr. Olmsted stated that Omaha Paving will be doing the emergency repair on Dyson Hollow Road and that they have encountered some difficulties in lining this up due to all of the contractors in the area being quite busy. There was then a general discussion concerning the repair on Dyson Hollow Road. Mr. Olmsted further advised the Board that the repair would be done with asphalt and he felt this was the best course of action. Mr. Olmsted then stated that the remaining drainage and guardrail improvements would in all likelihood not be started until the spring of 2014.

Mr. Olmsted then reported on the status of the 2013 Treatment Plant Improvements Project. He stated that he has provided Urban Utilities with drawings for the improvements to review and discuss with him as he wanted their feedback on the proposed improvements.

Trustee Chip Frazier then requested that Josh Tedder check on the status of mowing any phragmites which might be located on the District's dike. Doug Hill indicated he would contact Mr. Tedder about this.

There was then a discussion about placing rock on the dike where Rene drives to the sewage treatment plant to prevent any potholes and to make it more accessible for Rene and Joy. After discussion the Board approved this work and authorized Josh Tedder to proceed.

There were no future agenda items.

It was determined that the next Board meeting would be at 7:00 PM on Wednesday, January 15, 2014.

There being no further business appearing, and upon motion duly made by Doug Hill, seconded by Don Story and unanimously carried, the meeting was adjourned.

Doug Hill, Chairman

William R. Nosek, Clerk

Sid101\Meetings-2013\10-23-13\Minutes

CERTIFICATE

The undersigned being Clerk of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, hereby certifies that notice of a meeting of the Board of Trustees of said District held on October 23, 2013, was mailed to the County Clerk of Sarpy County, Nebraska at least seven days prior to the date of said meeting.

The undersigned further certifies that the agenda for the meeting of the Board of Trustees of said District was prepared and available for public inspection at the address designated in the notice of meeting published in *The Bellevue Leader* on October 16, 2013 and that no items were added to the agenda after the commencement of the meeting; and further, that the minutes for the meeting were available for public inspection within ten (10) days of the date of said meeting and that a copy of the minutes of this meeting were sent to the County Clerk of Sarpy County, Nebraska within thirty days from the date of this meeting.

Clerk

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, do hereby acknowledge receipt of advance notice of a meeting of the Board of Trustees of said District and the agenda for such meeting held at 7:00 p.m. on Wednesday, October 23, 2013, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

DATED this 23rd day of October, 2013.

Doug Hill

William R. Nosek

Edwin "Chip" Frazier

Lou Riedmann

Donald R. Story

AFFIDAVIT OF PUBLICATION

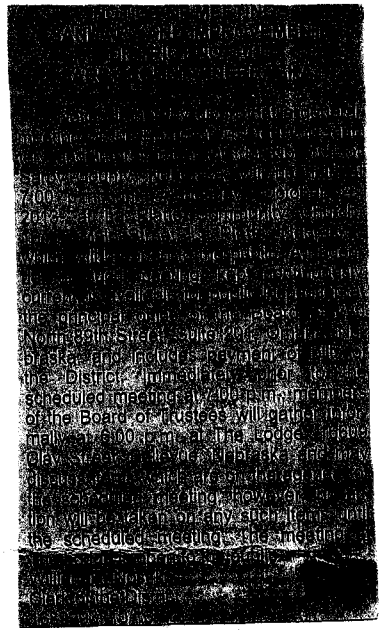
STATE OF NEBRASKA }
} SS.
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Anne Lee deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, October 16, 2013 Bellevue Leader

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Shon Barenklau OR Anne Lee
Publisher Business Manager



Today's Date 10-16-2013
Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska
LAURA ESTEP BRONK
My Comm. Exp. Oct. 21, 2013

Printer's Fee $ 12.71
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